m C. Sanderson, Esq., Solicitor to the Government of India, To Lieut. E. H. H. Collen, Assistant Secretary to the Government of India, Military Department,—(No. 482, dated Fort William, the 1875.)

th reference to your letter No. 635 of the 29th ultimo, I have the honor to forward you herecopy of the Officiating Advocate-General's opinion on the subject therein referred to.

ll the papers which accompanied your letter are herewith returned.

OPINION.

The 99th Section of the Mutiny Act amongst other things provides as follows.—That it shall be ful for any Civil Court, &c. &c., upon finding or awarding any debt or damage either to avoid tion thereof generally or to direct specially that the whole or any part thereof be stopped and paid to the plaintiff out of any part not exceeding one-half of any pay or allowance or out of any other money which may be respectively coming to defendant in the current or any future month or as or to direct the same to be paid by instalments. Under this Section an order may be made by Court directing the regimental paymaster to stop any portion of a Military officer's pay or allowot exceeding one half coming to him, &c. As the pay mentioned in the case was passed on the 1st e month and not issued or drawn out, I consider such pay to be pay coming to the particular officer ndant in the civil suit) in the current month, and consequently the half or other portion of it not eding one-half directed by an order of the Civil Court dated the second of the month may be stop-

The regimental paymaster should be careful to see that the attachment is not one under the provi, of Act 8 of 1859, but a direction to him in the terms of Section 99 of the Mutiny Act, and I think as a precautionary measure whenever the regimental paymaster makes any deduction from an er's salary under an order of a Civil Court passed in pursuance of the 99th Section of the Mutiny , he should report the same to the Judge of the Civil Court issuing the order.

5 May 1875.

G. PAUL.

(True Copy.)

C. SANDERSON,
Solicitor to the Govt. of India.

Foreign Department, Military, No. 82, *M, Simla, the* 18*th June* 1875.

Copy forwarded to the Chief Commissioner of Mysore for information.

By Order, &c.,
F. C. DAUKES,
For Asstt. Secy. to the Govt. of India.

Fort William, the 16*th June* 1875.

Nos. 357, 358, 359, & 360.

The Chief Commissioner, Oudh.
The Chief Commissioner, Central Provinces.
The Chief Commissioner, Assam.
The Chief Commissioner, British Burmah.

With the view of preventing the submission of applications which are made to this Department from to time from officers for the insertion opposite their names in the Bengal Army List of letters or that they have passed certain courses of instruction, obtained academical degrees or it is expedient to notice in such publication I am

instructed to inform you that the insertion of such particulars in the Army List is restricte following, *viz*—

I. Aide-de-Camp and other honorary appointments to the Queen or the Viceroy.

II. The several examinations in the Native Languages.

III. The several special examinations, such as school of gunnery, advanced class, s musketry, &c.

IV. Examinations passed at the Thomason College, Rurki, for instance in surveying, &c.

V. Examinations passed for special appointments or departments, for instance for appo as Aide-de-Camp or for the Judge Advocate-General's Department.

VI. The final examination at the staff college, certificate from the late senior departme Military College, Sandhurst, and the examinations passed in the qualifications employment under G. G. O. No. 908 of 1873.

VII. Admissions to the different orders, such as the order of the Bath, &c., conferring service pension; local or other rank, &c.

No. 363.

Copy of the above forwarded to the Foreign Department for information.

"By Order,"

B. E. Bacon, *Colonel*,
Offg. Secy. to the Govt. of

No. 354—To the Secretary to the Government of Bengal,
" 355—To the Secretary to the Government of North-Western Provinces.
" 356—To the Military Secretary to the Government of the Panjab.
" 361—To the Adjutant General.
" 362—To the Home Department.
" 364—To the Public Works Department.
" 365—To the Department of Revenue, Agriculture and Commerce.

Simla, the 25th June 1875. 3

No. 1636.

READ—

Rule 1 (a) of Section 4, Supplement A, Civil Pension Code :—An applic
resign the service, and to obtain an annuity, should, if the officer be
to the Government of India, Madras or Bombay (as the case may
Europe, it may be submitted to Her Majesty's Secretary of State for I

RESOLUTION.—In the case of Bengal Civil Servants the procedure prescri
the disposal of their applications, which have to be returned to the Local Gov
cant may be employed, in order to ascertain whether they can be complied w
obviate the inconvenience often caused by this delay, the Governor General in
that, in the case of Bengal Civilians, only such Officers as are serving immedia
of India shall submit their resignations direct to that authority in the Dep
may be serving. Other Officers should apply for leave to resign the servic
ment to which they are subordinate, and the Local Government will forw
Home Department with a "no-demand" certificate from the local Account
observations as may be necessary. The applicant's length of service and cl
will then be verified by the Comptroller General, and final orders passed on t
of India as provided in Clauses b, c, and d of Rule 1.

2. This Resolution does not make any alteration in the procedure
respect to Officers of the Madras and Bombay Civil Services, or in respect to

ORDER.—Ordered, that the above Resolution be forwarded for inform
Governments and Administrations, except Madras and Bombay, and to the
Government of India for information.

Offg. Un

MILITARY DEPARTMENT.

To—The Controller of Military Accounts, No. 155, *Fort William*

I am directed to acknowledge the receipt of your letter No. 20*, dated
whether the pay of an officer may be
in reply to forward a copy of the corr
gin, and to state that the Governme
expressed by the Advocate-General.

* Enclosures returned as requested.

No. 635, dated 29th April 1875, to the Solicitor to Government.

No. 482, dated 8th May 1875, from Solicitor to Government, with annexure.

No. 159.

Copy of the letter, and of the correspondence noted in the margin,
ment for information.

From Controller of Military Accounts, No. 20, dated 1st April 1875, with enclosure.

To Solicitor to Government, No. 635, dated 29th April 1875.

From Solicitor to Government, No. 482, dated 8th May 1875, and annexure.

Asstt. S.

No. 156, to the Secretary to Government, Fort Saint George, Military Depa
No. 157, to the Secretary to Government, Bombay, Military Department.
No. 158, to the Home Department.
No. 160, to the Adjutant-General.

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onel T. B. Harrison, Controller of Military Accounts, To Colonel H. K. Burne, ent of India, Military Department, (No. 20, dated Calcutta, the 1st April 1875.)

submit, for the orders of Government, the marginally cited correspondence, and to request that I may be informed whether the pay of an officer may be attached by civil process.

y 1875, from s Circle.

1875, from s Circle, with

2. According to the opinion of the Advocate-General conveyed in Military Department letter No. 726 of the 18th April 1867, the pay of an officer or soldier cannot be attached by civil iven in support of the view, is that until the money actually reaches the individoint of law his property, and no action could be maintained for its recovery.

ver opposed to the rule in para 99 of the Mutiny Act, in which it is stated for any Civil Court to direct specially that the whole or any part of the paid over to the plaintiff out of any part not exceeding one-half of any pay ther public money which may respectively be coming to the defendant in the or months" in satisfaction of the decree of the court.

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wn, Officiating Paymaster, North-Western Provinces Circle, Allahabad, To the nts, Calcutta, (No. 41, dated Allahabad, the 2nd February 1875.)

pay against officers having been sent to this office, I have the honor to reent upon one point where a difficulty presents itself. In one case which he legal profession called upon me, and informed me that no court had pows due: in other words if an officer could get his pay passed to him before this office had no power to make any deduction, and further, that the Civil r instalments to be deducted till a certain sum is paid off, but must each nt order, giving a fresh balance every month to be liquidated. The opinion ncumbrancer on this point is respectfully solicited. If it is illegal to attach alment from, an officer's pay, on an attachment order given before the pay deduct pay from officers residing in Allahabad, and against whom attachnce, because such officers take their pay on the 1st of the month, and the some days after.

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l C. L. Brown, Paymaster, North-Western Provinces Circle, To the Conlcutta,—(No. 2483, dated Allahabad, the 16th March 1875.)

nce to his memo No. 13157 of the 23rd February 1875, to forward 277, dated 9th March 1875, from the Assistant Commissioner, Delhi, ns.

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new, Assistant Commissioner, Delhi, To Colonel C. L. Brown, Pay Circle, Allahabad,—(No. 277, *Judicial*, dated the 9th March 1875.)

ated 2nd instant, has the honor to request he will be good enough to Act, which clearly lays down that Civil Courts have power to attach

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llen, Assistant Secretary to the Government of India, Military Department, To the Government.—(No. 635, *Judicial*, dated Fort William, the 29th April

ard a communication with enclosures from the Controller of Military Accounts (return requested) enquiring whether the pay of a Military officer may be attached by civil process, and with reference to Mr. Graham's opinion forwarded with your office No. 610, dated the 12th September 1870, I am rnment of India may be favored with the opinion of the Advocate-General, nth, but not actually issued to